

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Acushnet Company, a Delaware Corporation,

Plaintiff,

V.

City Sports, Inc., a Massachusetts corporation, John and Jane Does 1-100 and XYZ Corporations 1-100,

Defendants.

C.A. NO. 05 11108 DPW

**STIPULATION AND ORDER FOR
PRELIMINARY INJUNCTION**

The named parties to this action, Acushnet Company (“Acushnet” or “Plaintiff”) and City Sports, Inc. (“City Sports” or the “Named Defendant”), having STIPULATED and AGREED to the entry of an order for a preliminary injunction in this action, pursuant to Federal Rule of Civil Procedure 65, applicable to City Sports’ purchase and sale of golf balls and packaging bearing the Titleist Pro V1 trademark (other than any “refurbished” golf balls as that term is used in the industry), and the Court, having reviewed the Complaint, Memorandum of Law, supporting Declarations and Exhibits previously submitted in this action;

IT IS HEREBY ORDERED that City Sports, its officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through or under them, are hereby restrained and enjoined, during the pendency of this action, from:

- (a) Using in any manner the Plaintiff's federally registered Pro V1 trademark alone or in combination with any word or words which so resemble said trademark as to be likely to cause confusion, deception, or mistake on or in connection with the advertising, offering for sale, or sale of any product not Acushnet's or not authorized by Acushnet to be sold, bearing the Pro V1 trademark;
- (b) Passing off, reverse passing off, inducing, or enabling others to sell or pass off any products that are not genuine Acushnet merchandise bearing the Pro V1 trademark;
- (c) Committing any acts calculated to cause purchasers to believe that Defendants' products bearing the Pro V1 trademark are genuine Acushnet merchandise unless they are those sold under the control and supervision of Acushnet, or sponsored or approved by, or connected with, or guaranteed by, or produced under the control and supervision of Acushnet; and
- (d) Shipping, delivering, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Acushnet, or not authorized by Acushnet to be sold or offered for sale, bearing the Pro V1 trademark.

STIPULATED AND AGREED:

<p>Acushnet Company</p> <p>By its attorneys,</p> <p><u>/s/ Roger A. Lane</u></p> <p>Roger A. Lane, BBO#551368 Salo L. Zelermyer, BBO#661228 GREENBERG TRAURIG, LLP One International Place, 20th Floor Boston, MA 02110 Tel: (617) 310-6000 Fax: (617) 310-6001</p>	<p>Harley I. Lewin (HL 1819) GREENBERG TRAURIG, LLP 200 Park Avenue, 20th Floor New York, NY 10166 (212) 801-9200 (Admitted Pro Hac Vice)</p> <p>Katherine Compton GREENBERG TRAURIG, LLP State Bar No. 04652100 600 Three Galleria Tower 13155 Noel Road Dallas, Texas 75240 Telephone: (972) 419-1250 Facsimile: (972) 419-1251 (Admitted Pro Hac Vice)</p>
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<p>City Sports, Inc.</p> <p>By its attorneys,</p> <p><u>/s/ William L. Prickett</u></p> <p>William L. Prickett, BBO #555341 SEYFARTH SHAW, LLP World Trade Center East Two Seaport Lane Suite 300 Boston, MA 02210-2028 Tel: (617) 946-4800 Fax: (617) 946-4801</p>	
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DATED this 17th day of August, 2005.

SO ORDERED:

By: Charles P. Woodcock
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF
MASSACHUSETTS

DATED this 23^d day of August, 2005.

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